

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,  
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD  
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON  
MONDAY, FEBRUARY 4, 2008 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:30 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Caesar, Mr. Price, Mr. McLaughlin, Mrs. Benedetti, Mr. Gonder, Mr. Messer, Mr. Zurschmiede and President Jeff Gahan.

**OTHERS:** Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

**ALSO:** Deputy Mayor Carl Maylsz, Deputy Mayor John Wilcox, Asst. Director of City Operations Matt Denison, John Rosenbarger and Scott Wood.

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Coffey moved to approve the regular meeting minutes from January 17th, Mr. Price second, all voted in favor**

**Mr. Caesar moved to approve the public hearing minutes from January 17th, Mr. Coffey second, all voted in favor.**

**COMMUNICATIONS – PUBLIC:**

**Diane Fisher**, L & D. Mailmasters, spoke regarding R-08-05. She explained that they have purchased property that has been vacant for the past few years and they are going to build a storage warehouse on this property and hire 5 new employees.

**COMMUNICATIONS – CITY OFFICIALS:**

**Ms. Wisman** introduced Ryan Smith who is a freshman at Floyd Central. She explained that he was hand picked by Bridge Point for their “Leaders of Today and Tomorrow” program and he will be sitting in on a few meetings to learn about the inner workings of government and she encouraged all the members to introduce themselves to Mr. Smith and let him know what they do.

**Roger Jeffers**, New Parks Director introduced himself to the council and let them know that if they had any questions of his department to please let him know.

**Steve LaDuke**, Building Commission spoke regarding their first meeting of the year which was held earlier in the evening. He informed the members that when he started a few years ago there was no money in this fund and with the help of the past council they appropriated some money that has helped them deal with 15-18 properties. They spent that down to about \$19,000 and currently they are back up to \$53, 930 from liens and collections from property owners so he is proud to say they are making progress. He stated that they are currently looking at 7 properties 4 of which will be taken down by the homeowners themselves and without cost to the City.

**Mr. Gonder** asked what constituted a house being torn down.

**Mr. LaDuke** explained that they look at different aspects of a house with structural being at the top of the list along with cleanliness and stated that Mr. Hartman might be able to go into more detail with them since he deals with it every day.

**Mr. Zurschmiede** asked if they only deal with houses.

**Mr. LaDuke** stated that they currently have a garage on the list that in very bad shape and it is leaning on the neighbor's garage.

**Mr. Coffey** explained to the new council members that in the past they would come and ask for upwards of \$100,000 and they would never reclaim that money and this is the first time that the commission has been able to bring the money back in.

**Mr. LaDuke** explained that before they didn't follow the proper channels and would just tear down the houses and be done with it and now they follow procedure and they see the money coming back pretty quick.

**Mr. Price** asked if anyone knew anything about the IUS sewer tap being reduced and the CHDO houses had tap fees waived because from what he is reading it looks like the sewers are going to be in good shape and shouldn't have to have a rate increase.

**Mr. Zurschmiede** stated that the year he was on the Sewer Board it was their policy not to give away sewer taps but if they were in good shape they would try to help out these projects.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Malysz** spoke on behalf of Mayor England. He reminded everyone that he will be presenting the State of the City Report at their February 21st meeting. He addressed R-08-05 and explained that this is a new type of Tax Abatement for a vacant building which will be a deduction from the existing assessment. He stated that if it would please the council he would meet with a committee to discuss this at length. Mayor England wanted to endorse the ordinance to replenish the Unsafe building Fund. He asked the New Albany Economic Commission to help facilitate the issuance of the Ohio Valley Door Bonds.

**Mr. Gonder** asked if there were funds for rehabilitating houses.

**Mr. Malysz** explained that there are scarce funds for rehabbing houses in the CDBG fund due to the President cutting the budget. He stated that there is a second source of funding called Home Program but the City of New Albany is not a home entitlement location and they would have to go through a not-for-profit organization such as CHDO and it is difficult to access that money.

#### **APPOINTMENTS:**

#### **APPROVAL OF CF-1 FORMS:**

#### **INTRODUCTION OF ORDINANCES AND RESOLUTIONS:                      READING**

R-08-05	Resolution Concerning Statement L & D Mail Masters, Inc., by the Common Council of the City of New Albany	McLaughlin
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**Mr. McLaughlin tabled this resolution tonight and he would like to discuss this with Mr. Malysz.**

**Mr. Gahan** stated that a couple years ago they had a work session on tax abatements and he thinks it would be good for them to all get together and have another work session after he speaks with Mr. Malysz to further discuss the issue.

R-08-06	Common Council Of the City of New Albany A Resolution to Rescind Resolution R-08-04	Caesar
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**Mr. Caesar moved for the reading of R-08-06, Mr. Gonder second, all voted in favor except Mr. Messer and Mr. Zurschmiede who voted nay.**

**Mr. Zurschmiede** stated that when this was first brought up to the council there was discussion regarding the cost of this for the attorney's brought in to settle this suit and it was going to cost them \$1,500 per hour. He pointed out that this could also be appealed and cost even more money. He stated that no one told him what they hope to gain other than they want the judge to rule on whether this was legal or not so he can't really go along with tht logic.

**Mr. Caesar** stated that it is his understanding that this will answer his questions.

**Mr. Gonder** asked if he could tell them the projected cost of this suit.

**Mr. Ulrich** stated that he did not remember the amount.

**Mr. Gonder** stated it was \$16,000 to \$17,000

**Mr. Zurschmiede** stated that was just for his fees; that doesn't include the other attorney's fees.

**Mr. Ulrich** stated that he has the projection that they did for the council last year and he doesn't even know why the City Attorney is involved with it at all and both boards have their own council as well as EMC. He stated that part of their projection was with an assumption that they were be outside council and they have not seen that yet nor does he anticipate doing this and it seriously inflates the view of what this is going to cost.

**Mr. Zurschmiede** stated that he will admit he is looking at the worst case scenario but he wants the tax payers to be aware of that possibility and the best thing they could do would be to not waste the tax payer's money.

**Mr. McLaughlin** asked if anyone had told him that this was not illegal.

**Mr. Zurschmiede** explained that he had asked the Sewer Board attorney and several outside attorneys if this contract needed to be bid out and was told that they did not because it was a professional service contract. He then explained the history of how the Sewer Board went about reaching the contract that they have now and how much work was involved for him and every other member on the Sewer Board.

**Mr. Coffey** stated that the money spent for the adult DVD store was well spent because even though they did not stop the one store from opening they made it so that other stores can not move into town. He also discussed his issues with the sewer contract.

**Mr. Zurschmiede** also stated that another reason not to bid it out was that the cost of getting everything together for the bid would have been \$60,000 - \$70,000.

**Mr. Gonder** stated that he in no way feels that Mr. Zurschmiede is at fault but he thinks that when they have a question of this magnitude it is better to have a judge rule on it.

A-08-04          Additional Appropriation (Animal Control Runs Fund)          Messer 1

**Mr. Messer moved for the first reading of A-08-04, Mr. Price second, all voted in favor.**

A-08-05          Additional Appropriation (Unsafe Building Fund)          Messer 1

**Mr. Messer moved for the first reading of A-08-05, Mr. Coffey second, all voted in favor.**

A-08-02          Reduction of Appropriation          Zurschmiede2&3

**Mr. Zurschmiede moved for the second and third reading of A-08-02, Mr. Messer second, all voted in favor. Bill A-08-02 became Ordinance A-08-04**

A-08-03 Additional Appropriation

Zurschmiede2&3

**Mr. Zurschmiede moved for the second and third reading of A-08-03, Mr. Gonder second, all voted in favor except Mr. Price who voted nay. Bill A-08-03 became Ordinance A-08-05.**

G-08-01 Ordinance Authorizing the City of New Albany to  
Issue its “Economic Development Revenue Bonds,  
Series 2008 (Ohio Valley Door Corporation, Inc.  
Project)” and Approving Other Actions In Respect  
Thereeto

Benedetti 2&3

**Mrs. Benedetti moved for the second and third reading of A-08-01, Mr. Coffey second, all voted in favor. Bill G-08-01 became Ordinance G-08-06.**

**Tyler** \_\_\_\_ Ice Miller, attorney for Ohio Valley Door explained that the funds would be used to expand the business and buy new equipment. He stated that the New Albany Economic Development Commission held a public hearing earlier tonight and no one objected.

**Mr. Coffey** stated that he wanted to tell Mr. Zurschmiede that he in no way believes that he did any thing wrong.

**Mr. Zurschmiede** stated that he does appreciate that and understands their point of view on the issues as well.

**Mr. Gahan** asked if the Redistricting Committee has met yet.

**Mr. Messer** stated that they had not.

**ADJOURN:**

**There being no further business to be heard, the meeting adjourned at 8:22 p.m.**

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Jeff Gahan, President  
Common Council, City of New Albany

ATTEST: \_\_\_\_\_  
Marcey Wisman, City Clerk